

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

VELCERA, INC. AND FIDOPHARM, )  
INC. )  
Plaintiffs, )  
v. )  
MERIAL LIMITED, ) C.A. No. 1:11-cv-00134-GMS  
Defendant, )  
*and* )  
MERIAL LIMITED AND BASF AGRO, )  
B.V., ARNHEM (NL), WÄDENSWIL )  
BRANCH, )  
Counterclaim-Plaintiffs, )  
v. )  
VELCERA, INC. AND FIDOPHARM, )  
INC., )  
Counterclaim-Defendants, )  
*and* )  
VELCERA, INC. AND FIDOPHARM, )  
INC., )  
Counterclaim-Plaintiffs, )  
v. )  
BASF AGRO, B.V., ARNHEM (NL), )  
WÄDENSWIL BRANCH, )  
Counterclaim-Defendant. )

**DECLARATION OF JASON J. RAWNSLEY IN SUPPORT OF MERIAL  
LIMITED AND BASF AGRO'S REPLY BRIEF IN SUPPORT OF THEIR  
MOTION TO DISMISS PLAINTIFFS' DECLARATORY JUDGMENT COMPLAINT**

I, Jason J. Rawnsley, declare as follows:

1. I am an attorney at law of the State of Delaware with the law firm of Richards, Layton & Finger, P.A., One Rodney Square, 920 North King Street, Wilmington, DE 19801.

2. I am counsel for Merial Limited and BASF Agro B.V., Arnhem (NL), Wädenswil Branch, in the above-captioned matter and am fully competent to make this declaration.

3. I submit this declaration in support of Merial Limited and BASF Agro's Reply Brief in Support of Their Motion to Dismiss Plaintiffs' Declaratory Judgment Complaint.

4. Attached hereto as **Exhibit 1** is a true and correct copy of an Order by Judge Clay D. Land dated June 21, 2011 and filed as Docket Entry 75 in Civil Action No. 3:07-cv-00125-CDL in the U.S. District Court for the Middle District of Georgia.

5. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the transcript of the Hearing held on May 17, 2011 in Civil Action No. 3:07-cv-00125-CDL in the U.S. District Court for the Middle District of Georgia before Judge Clay D. Land. Excerpts include pages 1–7, 82–84, 262, 304–305, 312, 325–327, 343–346, and 365.

6. Attached hereto as **Exhibit 3** is a true and correct copy of the "Pesticide Registration Manual Chapter 2," as printed from the Environmental Protection Agency's website and admitted as Plaintiff's Exhibit 113 in the Hearing held on May 16-17, 2011 in Civil Action No. 3:07-cv-00125-CDL in the U.S. District Court for the Middle District of Georgia before Judge Clay D. Land.

7. Attached hereto as **Exhibit 4** is a true and correct copy of the "Pesticide Registration Manual Chapter 14," as printed from the Environmental Protection Agency's website and admitted as Plaintiff's Exhibit 121 in the Hearing held on May 16-17, 2011 in Civil Action No. 3:07-cv-00125-CDL in the U.S. District Court for the Middle District of Georgia before Judge Clay D. Land.

8. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the transcript of the Hearing held on June 8, 2011 in Civil Action No. 3:07-cv-00125-CDL in the U.S. District Court for the Middle District of Georgia before Judge Clay D. Land. Excerpts include pages 1-4, 154, 162-163, and 212.

9. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the transcript of the Telephone Conference held on June 23, 2011 before Chief Judge Gregory M. Sleet in this action. Excerpts include pages 1-2, 8-12, and 21.

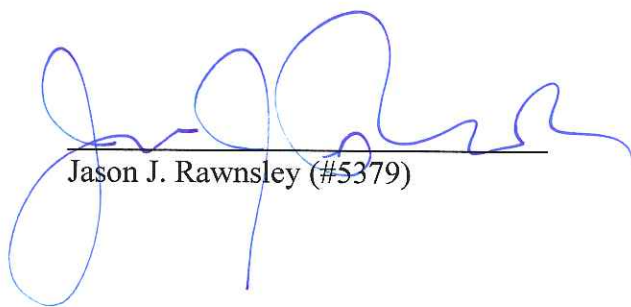
10. Attached hereto as **Exhibit 7** is a true and correct copy of an Order by Judge Clay D. Land dated June 30, 2011 and filed as Docket Entry 89 in Civil Action No. 3:07-cv-00125-CDL in the U.S. District Court for the Middle District of Georgia.

11. Attached hereto as **Exhibit 8** is a true and correct copy of a letter to Jonathan Graves, counsel for the plaintiffs, from Dr. Judy Jarecki-Black, Global Head Intellectual Property for Merial Limited, dated February 18, 2011.

12. Attached hereto as **Exhibit 9** is a true and correct copy of a letter to Dr. Judy Jarecki-Black, Global Head Intellectual Property for Merial Limited, from Jonathan Graves, counsel for the plaintiffs, dated February 25, 2011.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 26, 2011.



Jason J. Rawnsley (#5379)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I hereby certify that on July 26, 2011, I caused the foregoing document to be electronically filed with the Clerk of Court using CM/ECF, which will send notification of such filing(s) to the registered attorney(s) of record at the addresses, and have sent true and correct copies to the following in the manner indicated below:

**BY E-MAIL:**

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/s/ Jason J. Rawnsley  
Jason J. Rawnsley (#5379)